

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

MILLENNIUM PHARMACY SYSTEMS, LLC  
f/k/a Millennium Pharmacy Systems, Inc.  
d/b/a PharMerica

Plaintiff,

v.

MAPA OPERATING, LLC, ET AL.

Case No. 2:19-CV-02428-GEKP

Defendants.

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**MOTION FOR DEFAULT JUDGMENT**

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Plaintiff Millennium Pharmacy Systems, LLC f/k/a Millennium Pharmacy Systems, Inc. d/b/a PharMerica (“PharMerica”), pursuant to FED. R. CIV. P. 55, hereby submits its Motion for Default Judgment for failure by (1) MAPA Operating, LLC; (2) MAPA Management Company, LLC; (3) MIMA Healthcare LLC; (1-3 are collectively the “Management Defendants”); (4) Care Pavilion Operating, LLC d/b/a Care Pavilion Nursing & Rehabilitation Center; (5) Cliveden Operating, LLC d/b/a Cliveden Nursing & Rehabilitation Center; (6) Maplewood Operating, LLC d/b/a Maplewood Nursing & Rehabilitation Center; (7) Milton Operating, LLC d/b/a Milton Nursing & Rehabilitation Center; (8) Parkhouse Operating, LLC d/b/a Parkhouse Nursing & Rehabilitation Center; (9) Tucker Operating, LLC d/b/a Tucker House Nursing & Rehabilitation Center; (10) Watsontown Operating, LLC d/b/a Watsontown Nursing & Rehabilitation Center; and (11) York Operating, LLC d/b/a York Nursing & Rehabilitation Center (4-11 are collectively the “Facility Defendants”) (collectively, Management Defendants and Facility Defendants are referred to as “Defendants”), to answer or

otherwise defend this action. The facts herein are sworn to in the Declaration of Jennifer Metzger Stinnett, counsel of record for PharMerica (attached as Exhibit 1), Declaration of Daniel Fleming, counsel of record for PharMerica (attached as Exhibit 2) and the Declaration of Berard Tomasseti, Senior Vice President and Chief Accounting Officer for PharMerica (attached as Exhibit 3). In support of its Motion, PharMerica states as follows:

1. PharMerica filed this action on June 5, 2019. *See* DN 1.
2. The Clerk issued a summons for all Defendants on June 5, 2019 and forwarded to counsel for PharMerica for service. *See* Docket Text Entry dated June 5, 2019.
3. MIMA Healthcare LLC was served with the Complaint and a summons on June 21, 2019. *See* DN 9.
4. Defendants, with the exception of MIMA Healthcare LLC with service details indicated above, were served with the Complaint and a summons on June 26, 2019. *See* DN 10.
5. Although MIMA Healthcare LLC was required answer or otherwise plead by July 12, 2019, it has not served or filed any response to the Complaint, the Court has not extended the time for MIMA Healthcare LLC to respond, and PharMerica has not extended the time for MIMA Healthcare LLC to respond.
6. Although Defendants, with the exception of MIMA Healthcare LLC, with service details indicated above, were required to answer or otherwise plead by July 17, 2019, Defendants have not served or filed any response to the Complaint, the Court has not extended the time for Defendants to respond, and PharMerica has not extended the time for Defendants to respond.
7. On July 22, 2019, PharMerica filed its Request for Entry of Default. *See* DN 11.
8. On July 22, 2019, the Clerk entered default as to all Defendants. *See* Docket Text Entry dated July 22, 2019.

9. Defendants are Pennsylvania and New Jersey limited liability companies. Defendants are not infant or incompetent persons and are not in active military service of the United States of America or otherwise exempted under the Servicemembers Civil Relief Act. *See* Exhs. 1 and 2.

10. PharMerica's claims against Defendants are liquidated, and thus PharMerica is now entitled to entry of default judgment pursuant to FED. R. CIV. P. 55. *See* Exhs. 1 and 2.

The amount of judgment sought by PharMerica is as follows:

- A. As a result of Defendants' breaches, the total amount due and owing by Damages for unpaid invoices in the principal amount of \$1,394,123.91 against Defendant MAPA Operating, LLC;
- B. Damages for unpaid invoices in the principal amount of \$1,394,123.91 against Defendant MAPA Management Company, LLC;
- C. Damages for unpaid invoices in the principal amount of \$1,394,123.91 against Defendant MIMA Healthcare LLC;
- D. Damages for unpaid invoices in the principal amount of \$177,970.36 against Defendant Cliveden Operating, LLC d/b/a Cliveden Nursing and Rehabilitation Center;
- E. Damages for unpaid invoices in the principal amount of \$267,694.24 against Defendant Care Pavilion Operating, LLC d/b/a Care Pavilion Nursing and Rehabilitation Center;
- F. Damages for unpaid invoices in the principal amount of \$73,886.83 against Defendant Maplewood Operating, LLC d/b/a Maplewood Nursing and Rehabilitation Center;

- G. Damages for unpaid invoices in the principal amount of \$83,555.18 against Defendant Milton Operating, LLC d/b/a Milton Nursing and Rehabilitation Center;
- H. Damages for unpaid invoices in the principal amount of \$194,846.05 against Defendant York Operating, LLC d/b/a York Nursing and Rehabilitation Center;
- I. Damages for unpaid invoices in the principal amount of \$351,480.98 against Defendant Parkhouse Operating, LLC d/b/a Parkhouse Nursing and Rehabilitation Center;
- J. Damages for unpaid invoices in the principal amount of \$126,623.08 against Defendant Tucker Operating, LLC d/b/a Tucker House Nursing and Rehabilitation Center;
- K. Damages for unpaid invoices in the principal amount of \$118,067.19 against Defendant Watontown Operating, LLC d/b/a Watontown Nursing and Rehabilitation Center;
- L. Prejudgment interest through August 6, 2019 in the amount of \$24,675.55 with *per diem* interest in the amount of \$37.77 for each day thereafter until entry of judgment against Cliveden Operating, LLC d/b/a Cliveden Nursing and Rehabilitation Center;
- M. Prejudgment interest through August 6, 2019 in the amount of \$44,480.22 with *per diem* interest in the amount of \$68.26 for each day thereafter until entry of judgment against Care Pavilion Operating, LLC d/b/a Care Pavilion Nursing and Rehabilitation Center;

- N. Prejudgment interest through August 6, 2019 in the amount of \$17,233.95 with *per diem* interest in the amount of \$25.58 for each day thereafter until entry of judgment against Maplewood Operating, LLC d/b/a Maplewood Nursing and Rehabilitation Center;
- O. Prejudgment interest through August 6, 2019 in the amount of \$16,209.47 with *per diem* interest in the amount of \$24.72 for each day thereafter until entry of judgment against Milton Operating, LLC d/b/a Milton Nursing and Rehabilitation Center;
- P. Prejudgment interest through August 6, 2019 in the amount of \$30,642.75 with *per diem* interest in the amount of \$47.02 for each day thereafter until entry of judgment against York Operating, LLC d/b/a York Nursing and Rehabilitation Center;
- Q. Prejudgment interest through August 6, 2019 in the amount of \$43,290.61 with *per diem* interest in the amount of \$69.06 for each day thereafter until entry of judgment against Parkhouse Operating, LLC d/b/a Parkhouse Nursing and Rehabilitation Center;
- R. Prejudgment interest through August 6, 2019 in the amount of \$27,826.02 with *per diem* interest in the amount of \$41.73 for each day thereafter until entry of judgment against Tucker Operating, LLC d/b/a Tucker House Nursing and Rehabilitation Center;
- S. Prejudgment interest through August 6, 2019 in the amount of \$14,604.30 with *per diem* interest in the amount of \$22.75 for each day thereafter until entry of

judgment against Watson town Operating, LLC d/b/a Watson town Nursing and Rehabilitation Center;

T. Prejudgment interest through August 6, 2019 in the amount of \$218,962.86 with *per diem* interest in the amount of \$336.89 for each day thereafter until entry of judgment against MAPA Operating, LLC;

U. Prejudgment interest through August 6, 2019 in the amount of \$218,962.86 with *per diem* interest in the amount of \$336.89 for each day thereafter until entry of judgment against MAPA Management Company, LLC;

V. Prejudgment interest through August 6, 2019 in the amount of \$218,962.86 with *per diem* interest in the amount of \$336.89 for each day thereafter until entry of judgment against MIMA Healthcare LLC;

W. Post-judgment interest from the date of judgment accruing at the applicable rate.

PharMerica respectfully requests that the Court grant PharMerica's Motion and enter Final Default Judgment against Defendants.

Dated: August 12, 2019

Respectfully submitted,

Daniel Fleming  
PA Bar ID: 80126  
WONG FLEMING, P.C.  
1500 Market Street, 12 Floor, East Tower #1053  
Philadelphia, PA 19102  
Tel: (215) 546-2776  
dfleming@wongfleming.com

-and-

/s/ Jennifer Metzger Stinnett

Benjamin C. Fultz (*pro hac vice* admission to be sought)

Jennifer Metzger Stinnett (*Admitted pro hac vice*)

FULTZ MADDUX DICKENS PLC

101 South Fifth St., 27<sup>th</sup> Floor

Louisville, KY 40202

Telephone: (502) 588-2000

Facsimile: (502) 588-2020

bfultz@fmdlegal.com

jstinnett@fmdlegal.com

*Counsel for Plaintiff*